

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF INDIANA  
EVANSVILLE DIVISION

3 EDWARD C. SNUKIS, JR. and )  
4 SAMANTHA SNUKIS, )  
5 Co-Administrators of the )  
Estate of Edward C. )  
Snukis, )

6 Plaintiffs, )

7 -v- )

8 CITY OF EVANSVILLE, )  
9 INDIANA; MATTHEW O. )  
TAYLOR, in his individual )  
10 capacity as an Evansville )  
police officer; )  
11 TREVOR KOONTZ, in his )  
individual capacity as an )  
12 Evansville police officer; )  
and NICHOLAS HACKWORTH, in )  
13 his individual capacity as )  
an Evansville police )  
officer, )

14 Defendants. )  
15

CASE NO.  
3:21-cv-00135-MPB-MJD

16 The videotaped 30(b)(6) deposition upon oral  
17 examination of City of Evansville, by JOSEY LEWIS,  
18 a witness produced and sworn before me, Erika L.  
19 Kessler, RPR, CSR (IL), CCR (MO), Notary Public in  
20 and for the County of Marion, State of Indiana,  
21 taken on behalf of the Plaintiff at the offices of  
22 ZIEMER STAYMAN WEITZEL & SHOULDERS, LLP, 20 NW  
23 First Street, Ninth Floor, Evansville, Indiana, on  
24 August 22, 2023, at 9:10 a.m., pursuant to the  
25 Federal Rules of Civil Procedure.

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1 the contents of that folder and file to prepare for  
2 the deposition --

3 A. Yes, sir.

4 Q. -- today? What's the -- in your system, what you  
5 reviewed in preparation for your deposition today,  
6 what's the name of the folder that you looked into?

7 A. I just had the case number, and I believe it just  
8 had Mr. Snukis' name on it.

9 Q. How many case numbers were there associated with  
10 this case, as you understand it?

11 A. I believe there -- I believe there was two, but  
12 there might have been more.

13 Q. Okay.

14 A. I don't know for medical purposes.

15 Q. All right. And you -- have you reviewed all two or  
16 three, whatever it is, folders for in preparation  
17 for your deposition today?

18 A. Yes.

19 Q. Okay. You don't happen to remember the incident  
20 numbers?

21 A. I can look them up. I have mine. If you don't  
22 mind, I can.

23 Q. I don't mind.

24 MR. WHITEHEAD: Just answer the  
25 question.

1 THE WITNESS: Oh, sorry. I don't know  
2 off the top of my head.

3 MR. MILLER: I would ask the witness  
4 to look it up since he's got his iPad in front of  
5 him, or maybe it's in the binder, so I know what to  
6 show him.

7 MR. WHITEHEAD: No. We're not going  
8 to get into files that I have not reviewed, taken a  
9 look at and into his personal items right now, so  
10 no.

11 BY MR. MILLER:

12 Q. Okay. We'll spend a lot of time looking through my  
13 files.

14 A. Okay.

15 Q. Okay. Well, let's -- before we do that, based on  
16 your review of the files you did review to prepare  
17 for your deposition today, which will hopefully be  
18 able to figure out what those were, tell me about  
19 -- you said there were at least two investigations.  
20 Can you tell me something to describe the first  
21 one? What investigation would you want to start  
22 with? I want to ask you questions about it.

23 A. So what I investigated -- and AIU and what we do,  
24 anytime someone dies within the city limits, with  
25 the exception if someone's under Hospice, AIU

1 investigates. So if someone has a heart attack at  
2 their house, so in this case, death investigation,  
3 that was the primary one that I investigated.

4 Q. Okay. Are you familiar with an investigation  
5 related to battery on a law enforcement officer?

6 A. I believe so, yes.

7 Q. Did you investigate that, as well?

8 A. I don't -- when you mean investigate, what --

9 Q. What do you know about the investigation involving  
10 battery on a law enforcement officer?

11 MR. WHITEHEAD: Objection as to form.  
12 You can answer, if you know.

13 THE WITNESS: Just that there was an  
14 incident report generated following this incident.

15 BY MR. MILLER:

16 Q. Would that be an investigation of the incident that  
17 the -- all right. I'll just show you all the  
18 documents.

19 A. I apologize. I'm not trying to be difficult here.

20 Q. No. No. I don't think you are trying to be  
21 difficult at all. I'm going to show you or I'm  
22 showing you what is -- I'll represent to you is a  
23 folder that contains information produced by the  
24 City of Evansville in response to a subpoena that  
25 was served back in 2020, and you can see the folder

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1 names and then there are two files.

2 A. Uh-huh.

3 Q. One of the folders is an OD manual, which I'm sure  
4 you know what that is, but I'm -- I'm confident --  
5 well, does it have anything to do directly with the  
6 investigation?

7 A. No.

8 Q. Yeah. So is the investigation folder, if this is  
9 what it is -- and we'll look inside it here in a  
10 minute -- is the investigation folder -- sorry --  
11 19-20310 Snukis, comma, Edward?

12 A. Yes. That would be the --

13 Q. Is that the same name that the folder has on your  
14 -- on your -- when you look at it, is it called  
15 that 19-20310 Snukis, comma, Edward?

16 A. I believe so, yes.

17 Q. Okay. So let's look inside now. There's two  
18 sub-folders. Again, this is how it was produced.  
19 I'm asking you to assume, not asking you to affirm.

20 A. Uh-huh.

21 Q. Just assume, okay?

22 A. Okay.

23 Q. There's a case file in evidence, is that -- if I  
24 were to be on -- if you were to be on your system  
25 and looking at this and we'd drop down, is that

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1        what you would see, case file evidence?

2        A.    Yeah. I would create one of these. Anytime  
3        there's an incident that I'm investigating, that's  
4        how I do it.

5        Q.    Yeah.

6        A.    You know, I would have the initial folder. You  
7        would click into it and then you would have your  
8        case file, and that's where everything that can be  
9        converted into a PDF goes. And then the evidence  
10       is everything that's can't be. So like I said,  
11       video, crime scene photos, everything else would go  
12       in the evidence, so --

13       Q.    Okay. Do you recall, in preparing for this  
14       deposition and reviewing the RMS, you know, file or  
15       folder for this incident, is it organized in this  
16       way on your system, case file evidence?

17       A.    Yes. So the RMS is where the incident is initially  
18       at, and then I PDF it all and put it into a case  
19       file so it can be sent out for discovery or  
20       reviewed. But yes, that's -- sorry.

21       Q.    All I'm trying to find out is do you create a  
22       folder, sub-folder underneath the incident called  
23       case file?

24       A.    Yes.

25       Q.    And another one called evidence?

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1 A. Yes.

2 Q. Okay. So let's look at the case file. Again, this  
3 is the directory from what was produced on October  
4 8th, 2020 by the City of Evansville. What am I --  
5 what am I looking at here? What are these  
6 documents?

7 A. I can read them to you. Media release, report,  
8 sups, use of force report, and then just another --  
9 looks like a PDF of the same case number and name  
10 that would be on the original folder. And then a  
11 CAD report.

12 Q. Okay. In preparing for the deposition, when you  
13 reviewed the case file, did it have this  
14 information in it?

15 A. This is -- so when I open mine --

16 Q. Yes, sir.

17 A. -- mine literally just says the case number and  
18 Snukis, comma, Edward and everything is PDF there.  
19 That's --

20 Q. It's not in a folder called case file?

21 A. No, it is, but this is not how mine looks.

22 Q. Well, what's different so I can try to understand  
23 that.

24 A. I didn't have the media release. And then my CAD  
25 report is already added in there.

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1 the incident number, the folder name, but you have  
2 these other incident numbers on these other two  
3 documents, report and sups, and use of force report  
4 are all 20809. Can you explain that?

5 A. Without looking at --

6 Q. Okay.

7 A. Obviously, they are two different reports, so I  
8 don't know if that's from --

9 Q. All right. So I'm going to open up the one you've  
10 identified, and I'm going to make it Exhibit 2,  
11 which is -- if you'll give me a moment. I'll stop  
12 the share while I do that.

13 Okay. So now I'm going to show you what's  
14 been marked as Exhibit 2 Snukis. I'm sorry. Let  
15 me get the folder open. Nineteen -- the file name  
16 is Exhibit 2, 19-20310, Snukis comma Edward. You  
17 should be seeing on your screen.

18 A. Yes, sir.

19 Q. And it appears to be a lengthy document, and I  
20 apologize, 112 pages. I'm going to -- for the  
21 moment, I'm going to show it full -- a full-page  
22 view. We can blow it up if you need to.  
23 Obviously, you're only seeing the first page. I  
24 understand that. But tell me what you need to see  
25 in order to confirm that this is -- or what this



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1 document is. I'm happy to scroll down and let you  
2 look at each page. But tell me what you need in  
3 order to tell me what this document consists of?

4 A. Just from this page, this is -- this is the first  
5 page from our RMS report, so this will basically  
6 lay out the date, the time, the nature of the case  
7 in terms of the crime or incident that it is.  
8 Let's see here. Then if you scroll down, if you  
9 scroll through it, I can tell you if this is what I  
10 looked at if that's what you're asking.

11 Q. Okay. Yeah.

12 A. That's part of it. Yeah. Supplements, yep.  
13 Uh-huh. Yeah, you can keep going. Yeah, there's --  
14 those are supplements there.

15 Q. And when you say supplements, you're referring now  
16 we're on page 10, that's a supplement?

17 A. Yes. Just of --

18 Q. Okay. I'm going to keep going. Did I go too fast?

19 A. No, no, you're fine. And then yes, this is the  
20 toxicology report.

21 Q. Okay.

22 A. If you keep going, there should be a -- these are  
23 the CAD incident -- or the run cards or run card.

24 Q. And, again, these are part of the --

25 A. Document.

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1 Q. -- documents you reviewed. They were compiled by  
2 you as part of your investigation and reviewed by  
3 you in preparation for your deposition?

4 A. Yes, sir.

5 Q. Okay.

6 A. Autopsy report.

7 Q. Okay. I'm sorry. So what's this particular page?

8 A. This appears to be the second incident report that  
9 was generated. Looks like the crime is battery on  
10 public safety official, resist law enforcement and  
11 public intox.

12 Q. So that is something that was reviewed by you in  
13 connection with your investigation?

14 A. Yes.

15 Q. Okay.

16 A. They get related. You can link case in RMS, and  
17 then when you print it, they all come out.

18 Q. Were you the officer responsible for the  
19 investigation of the battery? Were you the  
20 detective, I should've said. Sorry.

21 A. Typically, on this, this -- I do long-term  
22 investigations. And this -- this would be -- so in  
23 a situation like that, you have battery on law  
24 enforcement, then it would be the officers that  
25 would handle the arrest and so forth in a case like

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1 this. If that makes sense.

2 Q. Well, actually it doesn't make sense to me, and  
3 that's what I'm trying to figure it out. So I'm  
4 asking if you know anything about this  
5 investigation, which is identified as incident  
6 No. 19 -- or case number, excuse me, 19-20309, if  
7 you were involved in that, if you have any  
8 knowledge about it.

9 A. I was involved with the death investigation.

10 Q. Understood. And we'll get to -- we'll cover that.

11 A. Yes, sir.

12 Q. Right now, I'm trying to figure out what you --  
13 else, if anything, you were involved in, and I'm  
14 asking if you were involved in the investigation  
15 identified as case number 19-20309?

16 A. Can you is scroll down real quick?

17 Q. Yes.

18 A. Sorry. I apologize.

19 Q. Yes. No problem.

20 A. That one should be -- again, again, again. Sorry.  
21 I --

22 Q. No, no, just -- I don't want to go too fast.

23 A. Another one, please. Another one. Again. Again.  
24 Again. Again. Next, please. Next. Again.  
25 Again. Again. Oh, back. That is my sup there.

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1 Q. This one page?

2 A. Yes.

3 Q. And what is this one page telling me that relates  
4 to incident 1920309?

5 A. It was closed out by exception.

6 Q. What does that mean?

7 A. There were no criminal charges brought. Closed out  
8 by exception meaning that the defendant wouldn't --  
9 this wouldn't go to trial.

10 Q. Do you know why it was closed out by exception?

11 A. Yeah. Mr. Snukis died.

12 Q. Right. So you did not have any role in the  
13 decision to close it out by exception? Or did you?

14 A. No. I mean, that's -- that was my decision, but we  
15 can't really go to court when the defendant's not  
16 there.

17 Q. I see. So the investigation, did -- this 20 --  
18 1920 -- first of all, we're looking at page 82 of  
19 the electronic documents, according to my screen,  
20 and we're -- I'm asking you if what preceded it,  
21 which was several pages, we'll go back to the --  
22 when that first started. So that starts on page  
23 63. Appears to be, would you agree with me, the  
24 supplements and reports regarding case number  
25 19-20309?

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1 A. Yes.

2 Q. Okay. And according to -- I think your testimony  
3 on page 82, you said you closed out the file by  
4 exception; is that what you said?

5 MR. WHITEHEAD: Objection as to form.  
6 You can answer.

7 THE WITNESS: Yes.

8 BY MR. MILLER:

9 Q. Clear by exception?

10 A. Yes.

11 Q. Is that the proper word?

12 A. Yes.

13 Q. Okay. In doing so, did you review the prior pages  
14 20 pages or so?

15 MR. WHITEHEAD: Objection as to form.

16 BY MR. MILLER:

17 Q. Did you review the entire investigation report when  
18 you cleared this incident by exception?

19 MR. WHITEHEAD: Objection as to form.

20 THE WITNESS: I -- I don't know. I --  
21 I'm not sure what you're asking.

22 BY MR. MILLER:

23 Q. I'm asking if the information that was collected by  
24 the various officers identified when we go through  
25 it page by page, but I -- really, all I want to

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1 know is, did you consider this investigation report  
2 and supplements before clearing it by exception, or  
3 did you just clear it by exception because he was  
4 dead?

5 MR. WHITEHEAD: Objection as to form.  
6 You can answer, if you know.

7 THE WITNESS: I -- I mean I -- I --  
8 reviewing, I mean, I was investigating the death  
9 investigation. This is all tied together.

10 BY MR. MILLER:

11 Q. We'll go through this page by page.

12 A. Okay.

13 Q. Page 63. Is there anything reflected on here that  
14 you did?

15 A. On the incident report --

16 Q. Yes.

17 A. -- on the basic RMS?

18 Q. Yes.

19 A. I don't know. I don't know if I added names or  
20 anything like that and it's been four years. I  
21 apologize.

22 Q. And you didn't review this incident investigation  
23 report in the RMS system in preparation for your  
24 deposition today?

25 A. No, I did review this. This was all added in

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1 for the record.

2 What was my question, please?

3 (The reporter read back the last question.)

4 BY MR. MILLER:

5 Q. The answer is, you did review it, correct?

6 A. Yes, I did.

7 Q. Okay. So going back now to when you made the  
8 decision to clear this case, 19 -- just make sure  
9 we're real clear with the record -- 19-20309, you  
10 don't recall if you reviewed the contents of this  
11 incident report?

12 MR. WHITEHEAD: Object as to form.

13 THE WITNESS: I don't want to make  
14 assumptions, but I -- I don't know. It's been four  
15 years ago. I --

16 BY MR. MILLER:

17 Q. I see.

18 A. Like I said, I'm not trying to be difficult, but I  
19 don't.

20 Q. All right. So let's look at the second -- next  
21 page, which is page 64 of Exhibit 2. Did you,  
22 yourself, speak with any of these individuals?

23 A. Yes, I did.

24 Q. Okay. And did you speak with them in what context,  
25 what was the -- case number 19-20309 or case number

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1 supplements, the interview of Fraker, Brentlee  
2 Spurlock, Sierra Snukis, and then son and sister of  
3 Mr. Snukis.

4 Q. Okay. And then as to Mr. Fracker, you say, came to  
5 EPD headquarters to give a formal statement of what  
6 he witnessed in this case. See video.

7 A. Uh-huh.

8 Q. Is the video part of this RMS folder that you  
9 reviewed in preparation for your deposition today?

10 A. It's under the evidence file.

11 Q. Okay. We'll come back to this document. So I did  
12 that pretty quickly. I apologize. So under 19- --  
13 under the directory of documents produced on  
14 October 20 of -- October 8 of 2020, there's  
15 19-20310 Snukis Edward and then there's an evidence  
16 folder that you see on your screen right now.

17 A. No.

18 Q. Okay. I'm going to open the -- you don't see this?

19 A. No.

20 Q. I'm sorry. Thank you for clarifying. Now, do you  
21 see the folder evidence?

22 A. Yes.

23 Q. I'm going to open that. And what am I looking at  
24 here?

25 A. Body camera photos, crime scene unit photos, the



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1 files that I received from Heidi, interviews and  
2 other videos, and then there's a timeline.

3 Q. Okay. Is this timeline a document that you  
4 prepared?

5 A. Yes.

6 Q. Okay. And then these other folders, if you know,  
7 we can look at them, but these other folders you  
8 just identified, are they documents that you  
9 created or files you created or some that you did  
10 some that other officers did?

11 A. No, I created those folders.

12 Q. Understood. Let's just look at body cameras.

13 Okay. These are officer body cameras?

14 A. Yes.

15 Q. Is that correct?

16 A. Yes.

17 Q. And how -- how were these particular officers' body  
18 cameras chosen to be included in this folder? Who  
19 made that decision?

20 A. I just go --

21 Q. As opposed to anybody?

22 A. Anytime I do an investigation, I go off the run  
23 card of who is on scene.

24 Q. Okay.

25 A. I create one and then get their body camera from a

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1 specific time of when the incident first started  
2 and when it was closed out.

3 Q. Okay. Great. And did you review all that body cam  
4 footage as part of your investigation?

5 A. The majority of it. I don't review all of it.

6 Q. In the case of the investigation involving Mr.  
7 Snukis, did you review all of this body cam footage  
8 in this folder that's on the screen right now?

9 A. I -- I can't say if I reviewed all of it. I mean,  
10 I reviewed the majority, but I can't -- I can't say  
11 for certain if I reviewed all of it.

12 Q. Okay. So let's go ahead and make this an exhibit.  
13 It's a little small, but this is -- I've identified  
14 this as Exhibit 3, which is the directory folder  
15 that we've been looking at for body cam footage.  
16 Do you agree with me?

17 A. Yes.

18 Q. Okay. Looking at this listing of folder names, can  
19 you -- and, obviously, three of them say no video.  
20 I'm not asking you if you reviewed video that  
21 doesn't exist, but can you say which one of these  
22 officers' videos you did -- you do recall reviewing  
23 as part of the investigation?

24 A. Officer Taylor and Koontz.

25 Q. And let's look at -- you didn't look at Hackworth's

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1 School of Interviewing?

2 MR. WHITEHEAD: Objection. No. That  
3 is outside of the scope of this notice for the  
4 deposition here today. I'll instruct him not to  
5 answer.

6 BY MR. MILLER:

7 Q. Tell me how you interview an incident report like a  
8 death. What's the method, please?

9 A. Can you clarify the -- I'm not understanding the  
10 question.

11 Q. What steps do you take in a death investigation?

12 A. I go interview witnesses, I review video, try to  
13 talk to involved parties, and then death  
14 investigation is -- big proponent is the autopsy  
15 report from the forensic pathologist, if that makes  
16 sense.

17 Q. Is it significant to you as the investigator of the  
18 death investigation of Mr. Snukis that the forensic  
19 pathologist that did not know that Officer Taylor  
20 had struck Mr. Snukis to the head several times  
21 when he did his report? Is that significant to  
22 you?

23 MR. WHITEHEAD: Objection as to form.

24 THE WITNESS: I don't know.

25 BY MR. MILLER:

1 Q. Is it significant to you that the pathologist --  
2 forensic pathologist testified that had he known  
3 that information at the time he did his report, he  
4 would've done a different investigation, he  
5 would've done it differently?

6 MR. WHITEHEAD: Objection.

7 BY MR. MILLER:

8 Q. Would that affect your -- go ahead.

9 MR. WHITEHEAD: Well, no, is that your  
10 -- would that affect your?

11 MR. MILLER: Yeah, I'm done. I'm  
12 done. I'll withdraw that. Read back what I said,  
13 please.

14 THE REPORTER: Is it significant to  
15 you that the forensic pathologist testified that he  
16 had known -- that had he -- that had he known that  
17 information at the time he did his report he  
18 would've done a different- --

19 MR. MILLER: Stop.

20 BY MR. MILLER:

21 Q. That's my question. Is that significant to you?

22 MR. WHITEHEAD: Objection as to form  
23 and mischaracterizes the evidence and calls for  
24 speculation. You can answer, if you know.

25 THE WITNESS: I don't know. I go off